



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1617

In re

Patent Application of

Richard B. Mazess

Application No. 09/995,911

Confirmation No.: 4126

Filed: November 28, 2001

Examiner: Criares, Theodore

"TREATMENT OF
HYPERPROLIFERATIVE DISEASES
USING ACTIVE VITAMIN D
ANALOGUES"

I Diane J. Frauchiger, hereby certify that the application/document attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Express Mail Mailing Label No. EL454067308US


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OVER A PRIOR PATENT**

Mail Stop AF
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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


Bone Care International, Inc., located at 1600 Aspen Commons Middleton, WI 53562 (hereinafter "Assignee"), by its undersigned attorney of record, represents that it is the owner of the entire interest in the above-identified application (hereinafter "said Application") by virtue of an assignment recorded January 30, 2002, at Reel 012584, Frame 0681. Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on said Application, beyond the expiration date of the full statutory term of U.S. Patent No. 6,503,893 (hereinafter "said U.S. Patent") also assigned to Bone Care International by virtue of an assignment recorded September 10, 2001, at Reel 012162, Frame 0065. Assignee hereby agrees that any patent granted on said Application shall be enforceable only for and during such period that the legal title of the patent granted on said

Application should be the same as the legal title to said U.S. Patent. This agreement shall run with any patent granted on said Application and be binding upon the grantee, its successors or assigns. In making the above disclaimer, Assignee does not disclaim any terminal part of the patent granted on said Application prior to the expiration date of the full statutory term of said U.S. Patent, in the event that said U.S. Patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term.

The undersigned is empowered to act on behalf of Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 9/10/04

By 
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cc: Docketing